



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for  
Failure to File a First Account or Petition for Final Distribution

		<p><b>WILLIAM R. SHOCKLEY</b> and <b>KATHERINE ROYCE</b>, children, were appointed Co-Administrators with full IAEA without bond on 12/12/2006.</p> <p>Letters issued on 12/14/2006.</p> <p>Inventory and Appraisal was due on 05/2007.</p> <p>First Account or Petition for Final Distribution was due 02/2008.</p> <p>Notice of Status Hearing was mailed to Robert W M Cross on 12/18/2013.</p> <p><b>Former Status Report filed 05/14/2014</b> states that co-administrator or decedent's estate, Katherine Royce, died on 08/05/2011. Mr. Shockley, co-administrator, has promised to prove a copy of her death certificate. In this case, the sole significant asset was the residence real property commonly known as 2805 B Street, Ca. which was subject to a substantial note secured by the deed of trust on the property. At the time of appointment of the personal representatives it appeared that there was substantial equity in the home. It was listed for sale and a buyer was found for a reasonable price. Unfortunately the buy backed out at the last minute. The value of the property then dropped because of the sharp decline of property values in general, no buyer was found at lower prices, and the property ultimately became worthless than the amount owed on notes secured by a deed of trust. Co-administrator William R. Shockley made the house payments for about a year, but beyond that it was beyond his means, and his co-administrator sister lacked means to contribute significantly to continue payment on the real property. As a consequence the property was ultimately washed in foreclosure. The lender refused to deal with the co-administrators with regard to the property. As a consequence of the above, the remaining administrator, William R. Shockley, has no assets to pay to any of the numerous creditors of decedent. Attorney Cross is requesting that remaining co-administrator supply the attorney with the documentation concerning the foreclosure and his payments. Nothing remains, of course, to reimburse him either.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order of 06/30/2014:</b> Examiner notes provided to counsel.</p> <p><b>Minute Order of 05/16/2014:</b> The Court will allow the filing of the document with a Fee Waiver.</p> <p><b>Minute Order of 03/07/2014 (Judge Hamlin):</b> No appearances. Counsel to file the required documents or a status report before the next hearing. Failure to file said documents will result in the issuance of an order to show cause regarding contempt. Robert Cross ordered to be personally present on 05/16/2014.</p> <p><b>Copy of Minute Order was mailed to Attorney Robert W. Cross on 03/19/2014.</b></p> <p>1. Need Inventory and Appraisal and First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 030714, 051614, 063014			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: LV /	
		Reviewed on: 08/12/2014	
		Updates: (skc 06/27/2014)	
		Recommendation:	
		File 14 – Shockley	

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**Former Status report filed 6-26-14 by Attorney Cross (not verified) states** he has finally had the opportunity to speak with Mr. Shockley. He stated that his sister (now deceased Co-Administrator) had taken charge of most of the estate since she lived in Selma, and he lives in Oakhurst. Together, they paid about a year of payments on the home and funeral expenses, etc. When the sale of the house fell through, she informed him that she was not going to pay any ore toward the house, so he didn't either. She then cut off contact with him for over three years. She did not supply him with any copies.

Mr. Cross states neither co-administrator sought his advice during that time regarding the sale of the property.

At the hearing on 5-16-14, Judge Oliver ordered a waiver of filing fees based upon the insolvency of the estate and suggested that we could proceed by way of declaration based on information and belief, as had apparently been suggested in other cases. It appears this would take the form of a Petition for Termination of Further Proceedings and Discharge of Personal Representative.

The Surviving Co-Administrator and the attorney would like to proceed in this fashion. However, because the attorney finds paucity of authority as to what would be required, he is requesting guidance from the court and/or Probate Examiners. Is Inventory and Appraisal required? Is an accounting needed? Is notice of hearing required to creditors or any other person or entity? Upon having a better understanding of what is required, the petition will be filed within 30 days.

**Examiner's Notes re above questions:**

**Q: Is Inventory and Appraisal required?**

A: Pursuant to Probate Code §8800, inventory and appraisal is required. In this case, there was an estate asset that ultimately foreclosed. If you would like to request that the Court waive the requirement of the Inventory and Appraisal due to the circumstances of this estate, you may wish to include such request in your petition. You may need to provide notice to the Probate Referee. See Probate Code §8900 et seq.

**Q: Is notice of hearing required to creditors or any other person or entity?**

A: A petition to terminate proceedings requires notice to all persons entitled thereto, which may include relatives, creditors whose claims were allowed but not paid per Probate Code §11000, and those who have requested special notice pursuant to Probate Code §1252. In this case, the California Franchise Tax Board requested special notice. You may also wish to address whether notice to the agencies in Probate Code §9202 is or was required and given. You will also be required to address the creditor's claims individually, in addition to notice of hearing. See Judicial Council Allowance or Rejection of Creditor's Claim and Probate Code §9250.

**Q: Is an accounting needed?**

A: Please see applicable Probate Code, including §§ 10951, 11000, 12200. Account may be requested by a creditor pursuant to the notice, or may be compelled by the Court, depending on circumstances.

**In short, the estate must be properly closed, and how you wish to go about that is up to you as the attorney; however, the above information is provided as a general guideline with reference to Probate Code.**

Atty Mejia, Monica L (Pro Per – Petitioner – Maternal Grandmother)

## Petition for Termination of Guardianship

<b>Age: 5</b>		<b>MONICA L. MEJIA</b> , Guardian/Maternal Grandmother, is Petitioner. Petitioner was appointed Guardian on 04/08/2013.  <b>Father: ERNEST FERNANDEZ</b>  <b>Mother: PRISCILLA MEJIA</b> <i>Consents and waives notice</i>  Paternal Grandfather: Not listed Paternal Grandmother: Not listed Maternal Grandfather: Not listed  <b>Petitioner states:</b> Mother is back in the home and will take care of the minor.  <b>Court Investigator Jennifer Young's report filed 05/30/2014.</b>  <b>Court Investigator Jennifer Young's supplemental report filed 07/23/2014.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 06/05/2014:</b> No appearances. The court investigator is ordered to contact Sacramento County regarding the status of the investigation.  1. Need Notice of Hearing.  2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination Guardianship or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>• Ernest Fernandez (Father)</li> <li>• Paternal Grandfather (Not Listed)</li> <li>• Paternal Grandmother (Not Listed)</li> <li>• Maternal Grandmother (Not Listed)</li> </ul>
<b>Cont. from 060514</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input type="checkbox"/>	<b>Notice of Hrg</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff.Mail</b> <input checked="" type="checkbox"/>		
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> LV
<b>Reviewed on:</b> 08/12/2014
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 18 - Fernandez</b>

<b>Priscilla age: 9</b>		<b>DELIA MARIE GALINDO</b> , mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Mariah age: 4</b>			
		<b>NICOLE GONZALES</b> , paternal aunt, was appointed guardian on 9/3/13.	1. Need proof of service of the Notice of Hearing on: a. Anthony Gonzales (father)
<b>Cont. from 061214</b>		Father: <b>ANTHONY GONZALES</b>	2. Petition does not include a specific visitation request.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Paternal grandfather: Daniel Gonzales Paternal grandmother: Cecelia Gonzales Maternal grandmother: Theresa Martinez	
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>	<p><b>Petitioner states</b> she was recently released from Fresno County Jail after serving her term on AB109. She states she is no longer on probation and does not have any open cases. She did not come to the hearing on 8/28/13 because she was in jail. Petitioner states while Anthony [father] had custody she has an ongoing relationship with the girls but was not living in the same house. Petitioner states she is now living in Firebaugh with her mother, who has guardianship of Petitioner's son, Xavier. Now that her life is on track Petitioner believes she can take responsibility and provide for her children.</p> <p><b>Declaration of Guardian Nicole Gonzales filed on 8/11/14</b> states she does not believe Delia is clean from using drugs and fears for the girls safety if visits are awarded.</p>	
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input type="checkbox"/>	<b>Aff.Mail</b>		X
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
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<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>		
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<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input type="checkbox"/>	<b>Order</b>	X	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 8/12/14</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 19 - Gonzales</b>